

**Prepared Remarks of Rod J. Rosenstein
Great Baltimore Committee
Annual Meeting
Baltimore, Maryland
May 13, 2019
(as prepared for delivery)**

Thank you, Don. I am very happy to be back home in Maryland.

I last spoke to this organization two years ago, almost to the day. It was a busy time in my life. I had left Baltimore for Washington less than three weeks before. My days were filled with 12 hours of back-to-back meetings. My nights were occupied with briefing books and other urgent matters.

I had accepted your 2017 dinner invitation while I was serving as United States Attorney, going through the Deputy Attorney General confirmation process, and helping to choose the political team to run the Department of Justice. I had little time to focus on the dinner.

My previous meeting with the Greater Baltimore Committee was a discussion with about a dozen people in a small conference room at your Calvert Street headquarters. I expected a similar size crowd.

There was a lot going on at the Department of Justice, but the GBC was an important supporter of our successful efforts to combat violent crime in Baltimore during my time as U.S. Attorney, so I tore myself away from my desk and set out to join you for dinner.

Other things were on my mind while I was traveling up I-95 from Washington that evening. The FBI Director had been removed the previous week, and I took several phone calls from the car to discuss possible candidates for the job.

When we were about a half hour from Baltimore, my chief of staff asked, "Do you know how many people are going to be there tonight?" I did not. He said, "There will be one thousand people."

"That's a lot more than I thought," I said.

He followed up with another question. "Do you know that they are going to give you an award?"

I responded: "In that case, I had better prepare some remarks!"

Then my chief of staff said, "The award is for courage in public service."

I said: "You have got to be kidding."

It was an awkward time for me to receive such an award. The FBI Director had announced at a public hearing that there was a counterintelligence investigation involving the President's campaign that might result in criminal charges. Then he was fired abruptly, confusing explanations were provided by the White House, and troubling allegations were leaked.

As a result, critics were arguing that the FBI Director's removal was part of an effort to derail the investigation of Russian efforts to influence the 2016 election.

I was responsible for overseeing that investigation. I knew from preliminary briefings with the agents and prosecutors that it was an important investigation. If it was not done correctly, there would always be lingering doubts about the scope of Russian efforts and the extent of American involvement.

I would never have allowed anyone to interfere with the investigation.

The Special Counsel's report states that the President's counsel advised me on a Monday afternoon that the President had decided to remove the Director. It was news to me. Nobody said that the removal was intended to influence the course of my Russia investigation.

Later on Monday, the President showed me a letter detailing his reasons. Then he told me to deliver a memorandum to the Attorney General with my concerns about the Director's conduct the following morning. He did not tell me what reasons to put in my memo.

The Special Counsel report states that the President asked me to mention in my memo that the FBI Director had repeatedly told him he was not was not under investigation, the same language that wound up in his public letter. I did not include it because (1) I had no personal knowledge of what the Director said; and (2) in any event, it was not relevant to my memo.

I did not dislike the Director. On the contrary, at the time I admired him personally and appreciated some of his accomplishments at the FBI. And I would be the last one to condemn anyone for a judgment call. These jobs are difficult. They require choices that invite criticism.

But while there are many issues in our line of which in which a range of decisions may be reasonable, there are bright lines that should never be crossed.

The clearest mistake was the Director's decision to hold a press conference about an open case, reveal his recommendation and discuss details about the investigation, without the consent of the prosecutors and the Attorney General. Then he chose to send a letter to the Congress on the eve of the election stating that one of the candidates was under criminal investigation, expecting it to be released immediately to the public.

Those actions were not within the range of reasonable decisions. They were inconsistent with our goal of communicating to all FBI employees that they should respect the Attorney General's

role, refrain from disclosing information about criminal investigations, avoid disparaging uncharged persons, and above all, not take unnecessary steps that could influence an election.

But the Director doubled down in his congressional testimony. In essence, he said that he would do it again if he had the chance.

If I had been asked to make a recommendation before the removal decision was made, I would have included a more balanced analysis of the pros and cons. But my brief memo to the Attorney General is correct, and it was reasonable under the circumstances.

If I had been the decisionmaker, the removal would have been handled very differently, with far more respect and far less drama.

So I do not blame the former Director for being angry.

But now the former Director is a partisan pundit, selling books and earning speaking fees while speculating about the strength of my character and the fate of my immortal soul. That is disappointing. Speculating about souls is not a job for police and prosecutors. Generally we base our opinions on eyewitness testimony.

In any event, I agreed with the acting FBI Director's testimony that the firing would not impact the investigation. On the other hand, I recognized that the unusual circumstances of the firing and the ensuing developments would give reasonable people cause to speculate about the credibility of the investigation. Those circumstances are publicly known.

I also knew, based on briefings by agents and prosecutors, that there was overwhelming evidence that Russian operatives hacked American computers and defrauded American citizens, and it was part of a comprehensive Russian strategy to influence elections, promote social discord, and undermine America. And people with connections to a presidential campaign were under investigation in relation to their connections with Russian agents.

Based on what I knew in May 2017, the investigation of Russian election interference was justified, and closing it was not an option. The Department of Justice Inspector General is reviewing aspects of the counterintelligence investigation. If the Inspector General finds significant new facts, I would reconsider my opinion. But I always need to base my opinions on credible evidence.

The President selected me for the job, the Senate approved my nomination, and I took an oath to well and faithfully execute the duties of my office. As the leader of the Department of Justice, that oath gave me a legal obligation to make a nonpartisan law enforcement decision without regard to political considerations.

I determined that I needed a special counsel to help resolve the election-interference investigation in a way that would best protect America from foreign adversaries and preserve public confidence in the long run.

I knew that some people would not be happy about it. I knew that it would be unpleasant for me and my family.

But at my confirmation hearing, I promised that I would conduct the investigation properly and see it through to the appropriate conclusion. In my business, you keep promises. And in my business, the appropriate conclusion is the one that results when you follow the normal process and complete an independent investigation.

When Bill Barr was Attorney General for 14 months from 1991 to 1993, he appointed three special counsels, in addition to one independent counsel. Attorney General Barr mentioned in a public oral history that he “just used [his] inherent authority” to appoint special counsels, even though in one case he “could never quite understand what the allegation was.”

There was no serious question about my legal authority to appoint a special counsel. Unlike a statutory independent counsel, a special counsel answers to the Attorney General. With or without regulations, it would be legal to appoint a special counsel for any reason. The Attorney General has that power, so long as he retains supervisory authority.

But as a matter of discretion, we should only appoint Special Counsels when necessary. U.S. Attorneys, the FBI, and the Inspector General can capably handle almost all cases. I was not a fan of independent counsels, and I disfavor special counsels. I am glad that I only needed to appoint one in 25 months.

As acting Attorney General, it was my responsibility to make sure that the Department of Justice would conduct an independent investigation; complete it expeditiously; hold perpetrators accountable if warranted; and work with partner agencies to counter foreign agents and deter crimes. We achieved those goals.

Today, our nation is safer, elections are more secure, and citizens are better informed about covert foreign influence schemes.

But not everybody was happy with my decision, in case you did not notice.

I think I made the right decision. I respect anybody’s right to disagree, but in fairness, critics should explain what they would have done with the details we knew at the time, and consider how things might have progressed and how long it might have taken.

People spend a lot of time debating whose side I was on, based on who seemed to benefit most from any individual decision. That is because partisans evaluate things in terms of the immediate political impact, and cable TV pundits fill a lot of time by pretending there is always

serious breaking news. But trying to infer partisanship from law enforcement decisions is a category error. It uses the wrong frame of reference.

Political affiliation may influence law enforcement policy decisions. That is the point of elections.

But when it comes to foreign election interference, like the tens of thousands of other cases I supervised over the past three decades, I was always on the same team. I was on the American team.

When a case had political significance, I sometimes asked myself: how would I handle this matter if the party affiliations were reversed? For partisans, the answers are usually different. For prosecutors, the answers should be the same.

That is the way I played it in Maryland. And it is the way I played it in Washington, D.C.

My soul and character are pretty much the same today as they were two years ago. I took a few hits and made some enemies during my time in the arena, but I held my ground and made a lot of friends. And thanks to them, I think I made the right calls on the things that mattered.

So that is some of what was going on when you gave me that award for courage in government service two years ago. I probably did not deserve it at the time. I do not know whether I earned it since then. But I tried my best.

It is nice to be home.

Thank you very much.